

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**NATIN PAUL, et. al.,**  
Plaintiffs,

v.

**RABIN SABBAN, et. al.,**  
Defendants.

No. 1:21-cv-00954-LY

**MOTION FOR EXTENSION OF TIME FOR DEFENDANT RANI SABBAN TO  
RESPOND TO THE COMPLAINT**

The United States of America,<sup>1</sup> pursuant to 28 U.S.C. § 517, appears for the limited purpose of submitting this motion under Rule 6(b) of the Federal Rules of Civil Procedure to seek an extension of time for Defendant Rani Sabban to respond to the complaint. Plaintiffs do not oppose this motion.

In support of its motion, the United States provides as follows:

1. Plaintiffs filed this action on October 21, 2021. *See* Dkt. No. 1. The complaint alleges claims against Defendant Rani Sabban in his individual capacity. *See id.*
2. Defendant Sabban was served on January 18, 2022. *See* Dkt. No. 7. His deadline to respond to the complaint is February 8, 2022. *See id.*
3. Defendant Sabban has requested Department of Justice representation pursuant to 28 C.F.R. § 50.15 and 28 U.S.C. § 517.
4. The Department of Justice's Civil Division, Torts Branch, must approve

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<sup>1</sup> The Department of Justice appears on behalf of Defendant Sabban for the limited purpose of seeking an enlargement of time on his behalf to respond to the Complaint. Until representation is authorized by the Department of Justice, no Department attorney can represent him for any purpose other than to seek enlargements of time.

representation before any Department of Justice attorney may personally represent an individual-capacity defendant.

5. The Federal Rules of Civil Procedure recognize that “[t]ime is needed for the United States to determine whether to provide representation to the defendant officer or employee.” *See* Fed. R. Civ. P. 12 advisory committee’s note (2000).

6. The representation process for Defendant Sabban is underway but will not be concluded by his current response date of February 8, 2022.

7. The Department of Justice does not have authorization to represent Mr. Sabban in his individual capacity at this time, and Mr. Sabban does not currently have an attorney to defend him in this matter.

8. To date, service on Mr. Sabban’s co-defendant, FBI Agent Preston Joy, has not been perfected because the United States has yet to be served. *See* Fed. R. Civ. P. 4(i)(3). Once service is complete, Agent Joy will have 60 days to respond to the complaint. *See* Fed. R. Civ. P. 12(a)(3).

9. The Department of Justice anticipates that Plaintiffs will be effecting service on the United States imminently. The Department of Justice respectfully requests an extension of time for Mr. Sabban to respond to the complaint until 60 days after the United States has been served.

10. The Department of Justice believes that the requested extension will provide sufficient time to obtain a determination regarding Department of Justice representation and, if representation is authorized, to prepare an appropriate response to the complaint on Mr. Sabban’s behalf. The requested extension would also streamline the litigation by consolidating the defendants’ deadlines to respond.

11. The United States files this motion with the expectation that service on the United States will be completed in the coming days such that the requested consolidated deadline for the individual defendants would be April 11, 2022, or earlier. Plaintiffs have agreed to an extension of time until April 11, 2022, for Defendants Sabban and Joy to respond to the complaint.

WHEREFORE, the United States respectfully requests that the Court grant Defendant Rani Sabban an extension of time to respond to the complaint until 60 days after proper service on the United States.

Dated: February 4, 2022

Respectfully submitted,

**ASHLEY C. HOFF**  
United States Attorney

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**ATTORNEYS FOR DEFENDANT**

## **CERTIFICATE OF SERVICE**

I certify that on February 4, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification to all counsel of record in this case.

I certify that on February 4, 2022, I caused the foregoing to be served on all counsel of record in this case, at the below listed addresses, via electronic mail and first class mail.

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**KARTIK N. VENGUSWAMY**